



COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

313 North Figueroa Street, Room 806
Los Angeles, California 90012
TEL (213) 240-8117 • FAX (213) 975-1273

www.publichealth.lacounty.gov

ADOPTED

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COUNTY OF LOS ANGELES

18 OCTOBER 12, 2010

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October 12, 2010

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF ORDINANCE TO AMEND LOS ANGELES COUNTY CODE TITLE 8,
CONSUMER PROTECTION AND BUSINESS REGULATIONS, TO ESTABLISH LETTER
GRADING FOR MOBILE FOOD FACILITIES AND MOBILE SUPPORT UNITS TO BE
EFFECTIVE 30 CALENDAR DAYS AFTER DATE OF BOARD APPROVAL
(ALL DISTRICTS) (3 VOTES)**

SUBJECT:

Approval to adopt an ordinance to amend Los Angeles County Code, Title 8 – Consumer Protection and Business Regulations.

IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the attached revised ordinance (Exhibit I) to amend Los Angeles County Code (LACC) Title 8 – Consumer Protection and Business Regulations to establish standards for the Letter Grading of Mobile Food Facilities (MFFs) requiring that the owners of MFFs obtain annual certification, submit to semi-annual routine inspections, and provide the Department of Public Health (DPH) with current route information. In addition, the revised ordinance will require the owners of Mobile Support Units (MSUs) to obtain annual certification, submit to an annual routine inspection, and provide DPH with current route information. The ordinance is to be effective 30 calendar days after Board approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed expansion of the letter grading program to include MFFs (commonly known as food trucks and/or food carts) will build upon the public's current understanding of the restaurant grading program and will provide a clear and easily recognizable means of distinguishing between

permitted MFF (which has a grade card) and a non-permitted MFF (which does not). Under the proposed grading program, the public can make informed choices based on the letter grade given to an MFF according to violations noted at the time of inspection.

Current Department practices include an annual certification inspection to ensure that the MFF meets all structural and physical requirements mandated by State code as well as an annual routine inspection to ensure that food handling and storage practices and facility hygiene are in compliance with State codes and regulations. The proposed ordinance will increase the number of annual routine inspections to two and result in a letter grade for MFFs. As MSUs (vehicles used for food storage, transport, cleaning, and servicing in support all inspected MFFs) do not retail food, they will not be subject to grading but will receive an annual certification inspection as well as an annual routine inspection to ensure compliance with applicable State standards for food storage, transport, cleaning, and servicing.

Implementation of Strategic Plan Goal

These actions support Goal 4, Health and Mental Health and Goal 5, Public Safety, of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

Current provisions of LACC limit fees to cost recovery. This action does not change the current fee structure for mobile food facility vendors. However, the addition of letter grading and the associated increase in inspection frequency could impact DPH costs. Under the recommended grading system, the number of annual inspections will increase from two to three (two graded inspections and one certification inspection).

All fees associated with Environmental Health activities are currently being analyzed. In conjunction with this analysis, DPH will monitor the cost of the Mobile Food Facility Grading Program to determine whether a change in fees is warranted. At the completion of this study, DPH intends to return to your Board in April 2011 for consideration of revisions to all Environmental Health fees to cover program operating costs, including fees related to mobile food facilities, effective for FY 2011-12.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On January 16, 1998, your Board approved Ordinance Number 97-0071 to implement a Letter Grading Program for all food serving establishments. In January 2008, DPH celebrated the 10 year anniversary of the highly successful Letter Grading Program which has resulted in considerable improvements in public safety and health standards and a reduction in severe food-borne illnesses. As with the restaurant grading program, it is anticipated that incorporated cities throughout the County of Los Angeles will adopt the County ordinance by resolution. To ensure County-wide enforcement, we recommend that the Executive Office of the Board of Supervisors distribute a letter, drafted by DPH, contacting cities and recommending adoption of the County ordinance.

The proposed ordinance will amend Title 8 by:

1. Adding "mobile food facility" to the definition of food facility;

2. Establishing an annual certification inspection for MFFs and MSUs to ensure that food equipment meets applicable installation and design standards in accordance with State law;
3. Requiring owners of MFFs and MSUs to disclose current route information to DPH to provide the whereabouts (time table routes) of transient MFFs and MSUs and thereby facilitate timely inspections by requiring the transient MFFs and MSUs to complete a Mobile Food Facility Route Sheet which details the arrival, departure and exact location of each transient MFFs and MSU where the retail food business is being conducted; and
4. Establishing a semiannual letter grading program for all MFFs.

The program will be implemented in two phases. Phase I will begin upon adoption of the ordinance and will include inspection of approximately 3,200 full service catering trucks. Phase II will begin on July 1, 2011, and will include inspection of the remaining MFFs, estimated at 2,800 hot dog, churro, and other limited food service carts/vehicles.

The proposed ordinance – LACC Title 8 - will increase public health protection, enhance regulatory management, and provide incentives for industry compliance. Currently, the program does not meet annual inspection goals due to an inability to locate food vehicles that move constantly. The proposed ordinance - LACC Title 8 - will require vendors to provide information about the whereabouts of vehicles, thereby facilitating timely inspections. The proposed Letter Grading program will result in an increase in the annual inspection frequency from one to two, an increase in inspection time, and substantial enhancements to DPH's current internet grade posting system. During the first year of implementation, DPH will utilize existing staff's resources to meet the increased workload and subsequently conduct an evaluation to determine the actual need for additional staffing resources. At that time, a request for additional staffing resources will be forwarded to your Board.

The proposed action will amend the ordinance to add MFFs to the existing food establishment grading ordinance and will require vehicle owners (MFFs and MSUs) to complete a Mobile Food Facility Route Sheet that details the complete address as well as arrival and departure times for each location where the retail food business is being conducted. This requirement will facilitate inspection of all MFFs and MSUs operating within Los Angeles County. The route sheet will be maintained on file by DPH as proprietary information. The vehicle owners will also be required to notify the County Health Officer of any significant changes to business locations. Failure to provide an accurate Mobile Food Facility Route Sheet may result in suspension or revocation of the Public Health Operating Permit.

The proposed amendment to the ordinance will also require that owners of MFFs and MSUs in Los Angeles County, as defined by California Health and Safety Code Sections 113789, 113831, and 113833, obtain an annual certification inspection from the County Health Officer. During the certification inspection, DPH will confirm that the MFF operates continuously from an approved and routinely inspected commissary, thereby ensuring that the water used on MFFs is potable and that liquid and solid waste is disposed of properly. Upon demonstration of compliance with State mandated structural requirements as set forth in the California Health and Safety Code

Chapters 1-8, 10, and 13, a certification sticker will be issued. The certification sticker will be affixed to the MFF and the MSU and remain valid during the FY corresponding to the current public health permit. The annual certification sticker is well recognized by law enforcement as indicative that food equipment meets all applicable installation and design standards and regulations.

The proposed amendment to the ordinance will also require that a letter grade be assigned at the time of the routine inspection and remain posted until the next routine inspection. An interim inspection to determine compliance with specific regulations does not constitute a routine inspection. A grade (A, B, or C) card will be issued based upon the score received on the Vehicle Official Inspection Report (VOIR). The grading system is as follows:

"A": score of 90 – 100%
"B": score of 80 – 89%
"C": score of 70 – 79%

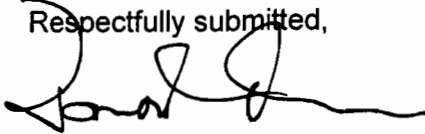
A facility receiving a score of less than seventy (70) percent will be issued a score card and not a grade card. Consistent with current practices applied to restaurants and markets, a score that is less than 70 prompts a hearing and closure of the facility, as the number of violations usually accompanies a finding of high risk violations or represents a cumulative condition of significant public health risk.

County Counsel has reviewed and approved Exhibit I as to form.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed ordinance will greatly enhance food safety for consumers/patrons of mobile food facilities by providing incentives for owners/operators to be proactive in complying with State and local laws and regulations and will further empower consumers/patrons to make informed food choices based on safe food handling practices and facility sanitation.

Respectfully submitted,



 Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

JEF:rdt

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

ANALYSIS

This ordinance amends Title 8 – Consumer Protection and Business Regulations of the Los Angeles County Code, relating to letter grading, route location disclosure, and annual certification for mobile food facilities by:

- Adding “mobile food facility” to the definition of food facility;
- Establishing a semiannual letter grading program for all mobile food facilities;
- Requiring owners of mobile food facilities and mobile support units to disclose current route information to Department of Public Health to provide the whereabouts of transient mobile food facilities and mobile support units and thereby facilitate timely inspections; and
- Establishing an annual certification inspection for mobile food facilities and mobile support units to ensure that food equipment meets applicable installation and design standards according to State law.

ANDREA SHERIDAN ORDIN
County Counsel

By 
DORAÏNE F. MEYER
Principal Deputy County Counsel
Health Services Division

DFM:ap

3-17-10 (requested)
9-24-10 (revised)

ORDINANCE NO. _____

An ordinance amending Title 8 – Consumer Protection and Business Regulations of the Los Angeles County Code, relating to letter grading, route location disclosure and annual certification for mobile food facilities.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.04.142 is hereby amended to read as follows:

8.04.142 Food facility.

"Food facility" means any food establishment, food warehouse, milk warehouse, mobile food facility, mobile support unit, vehicle, vending machine, swap meet, prepackaged food stand, mobile preparation unit, or any place used in conjunction with the operation of the above, including, but not limited to, storage facilities for food utensils, equipment, and materials.

SECTION 2. Section 8.04.200 is hereby amended to read as follows:

8.04.200 Food vehicle, retail.

A. "Retail food vehicle" means any motorized or nonmotorized conveyance or portable food service unit upon which prepackaged or approved unpackaged food is sold or offered for sale at retail. Categories of retail food vehicles include:

1. Animal food vehicle;
2. Bakery distributor vehicle (independent, retail);
3. Fish peddler vehicle;
4. Food vehicle – Department of Motor Vehicles exempt;
5. Food salvage distributor vehicle;

6. Fruit and vegetable vehicle;
7. Grocery distributor vehicle;
8. Independent ice distributor vehicle;
9. Independent retail meat vehicle;
10. Independent milk distributor vehicle, not a processor-owned milk delivery vehicle;
11. Industrial catering vehicle;
12. Limited food vehicle, ~~from which the operator dispenses the food items described in Section 114265 of the California Health and Safety Code, and which has been designed, constructed and equipped to prevent the entrance of dust, debris and harborage of animals, birds and vermin, permitting storage out of doors at a commissary or other approved facility;~~
13. Unpackaged food vehicle, ~~such as a food cart, from which the operator dispenses the food items described in Section 114265 of the California Health and Safety Code, and which must be stored inside a commissary or other approved facility;~~
14. Prepackaged food cart, a nonmotorized vehicle, from which the operator dispenses prepackaged and labeled food;
15. Any combination of the above;
16. Or any vehicle from which animal food, bakery products, fish, shellfish, seafood, fruits, vegetables, meats, poultry, preserves, jelly, relish, milk or other dairy products, food or food products, ice or beverages, whether in bulk, canned,

wrapped, bottled, packaged, or any other form, are sold or kept for sale at retail or are distributed to the consumer.

B. Vehicles owned and operated by a fixed-location food market, restaurant or other business having a valid public health permit under this chapter to deliver food products from said establishment to other locations shall not be required to have a separate public health permit under this chapter.

SECTION 3. Section 8.04.225 is hereby amended to read as follows:

8.04.225 Grading, scoring method and letter grade card.

A. "Grading" means the letter grade issued by the county health officer at the conclusion of the routine inspection of a food ~~establishment~~ facility. The grade shall be based upon the scoring method set forth in this section resulting from the food official inspection report and shall reflect the food ~~establishment's~~ facility's degree of compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

B. "Scoring method" means a procedure used by the county health officer where a score is calculated by adding values predefined on the food official inspection report for violations that are observed during an inspection, and subtracting that total from 100. The resulting numerical sum, stated as a percentage, constitutes the score for the inspection.

BC. "Letter grade card" means a card that may be posted by the county health officer at a food ~~establishment~~ facility upon completion of a routine inspection that indicates the letter grade of the ~~establishment~~ facility as determined by the county

health officer using the scoring method set forth in this section. For the purposes of this provision, a food ~~establishment~~ facility shall include a food ~~establishment~~ facility operating in conjunction with a food processing establishment. Nothing in this chapter shall prohibit the county health officer from creating and using a letter grade card in combination with an inspection score card. The county health officer, in his discretion, shall determine whether to post the letter grade card, or the inspection score card, ~~or both.~~

~~CD.~~ The county health officer, in his discretion, may immediately close any food ~~establishment~~ facility which, upon completion of the routine inspection, does not achieve a "C" grade as defined herein. Nothing in this provision shall prohibit the county health officer from immediately closing any food ~~establishment~~ facility if, in his discretion, immediate closure is necessary to protect the public health.

~~DE.~~ The letter grade for a food facility shall be based upon the final numerical percentage score set forth in the food official inspection report, as follows:

1. A grade of "A" shall indicate a final score of 90 percent or higher as determined by the county health officer;
2. A grade of "B" shall indicate a final score less than 90 percent but not less than 80 percent as determined by the county health officer;
3. A grade of "C" shall indicate a final score less than 80 percent but not less than 70 percent as determined by the county health officer.

SECTION 4. Section 8.04.275 is hereby amended to read as follows:

8.04.275 Inspection score card.

A. "Inspection score card" means a card that may be posted by the county health officer at a food ~~establishment~~ facility, upon completion of a routine inspection, that indicates the total numerical percentage score for the ~~establishment~~ facility as determined by the county health officer and as set forth in the food official inspection report. For the purposes of this provision, a food ~~establishment~~ facility shall include a food ~~establishment~~ facility operating in conjunction with a food processing establishment. Nothing in this chapter shall prohibit the county health officer from creating and using an inspection score card in combination with a letter grade card. The county health officer, in his discretion, shall determine whether to post the inspection score card, or the letter grade card, ~~or both~~.

B. The county health officer, in his discretion, may immediately close any food ~~establishment~~ facility which, upon completion of the routine inspection, achieves a total numerical percentage score less than 70 percent as set forth in Section 8.04.225. Nothing in this provision shall prohibit the county health officer from immediately closing any food ~~establishment~~ facility if, in his discretion, immediate closure is necessary to protect the public health.

C. The inspection score card for a food facility shall be based upon a final numerical percentage score of less than seventy (70) percent as set forth in Section 8.04.225.

SECTION 5. Section 8.04.306 is hereby added to read as follows:

8.04.306 Mobile food facility.

"Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.

SECTION 6. Section 8.04.311 is hereby added to read as follows:

8.04.311 Mobile support unit.

"Mobile support unit" means a vehicle used in conjunction with a commissary or other permanent food facility that travels to and services mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

SECTION 7. Section 8.04.337 is hereby amended to read as follows:

8.04.337 Notice of closure.

"Notice of closure" means a public notice that may be posted by the county health officer at a food ~~establishment~~ facility upon suspension or revocation of the ~~establishment's~~ facility's public health permit and that results in the immediate closure of the ~~establishment~~ facility and the discontinuance of all operations of the food ~~establishment~~ facility, by order of the county health officer, because of violations of applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

SECTION 8. Section 8.04.403 is hereby added to read as follows:

8.04.403 Route location.

The owner/operator of a mobile food facility or mobile support unit shall complete a Mobile Food Facility Route Sheet, obtained from the county health officer, listing the complete address, telephone number and arrival/departure times of each location where the retail food business is being conducted. The Mobile Facility Route Sheet shall be maintained on file at the Vehicle Inspection Program. The owner/operator of a mobile food facility or mobile support unit shall notify the county health officer of any significant changes to the Mobile Food Facility Route Sheet. Failure to provide an accurate and current Mobile Food Facility Route Sheet may result in suspension or revocation of the Public Health Operating Permit.

SECTION 9. Section 8.04.595 is hereby added to read as follows:

8.04.595 Public health license and permit - Annual certification inspection.

The owner/operator of a mobile food facility or mobile support unit shall obtain an annual certification inspection from the county health officer. The enforcement agency shall initially approve all mobile food facilities and mobile support units as complying with California Health and Safety Code Chapters 1-8, inclusive, 10 and 13. The county health officer shall then issue a certification sticker which shall be affixed to the mobile food facility or mobile support unit at the discretion of the county health officer. The sticker will be valid during the fiscal year corresponding to the mobile food facility's or mobile support unit's current Public Health Operating Permit. Failure to secure an annual certification sticker shall result in a suspension or revocation of the Public Health Operating Permit.

SECTION 10. Section 8.04.752 is hereby amended to read as follows:

8.04.752 Posting requirements -- Penalty for noncompliance -- Documents available for public review.

A. Upon issuance by the county health officer, the health officer shall post at every food ~~establishment~~ facility the letter grade card, or the inspection score card, ~~or both~~, as determined by the county health officer, so as to be clearly visible to the general public and to patrons entering the ~~establishment~~ facility. "Clearly visible to the general public and to patrons" means:

1. Posted in the front window of the ~~establishment~~ food facility within five (5) feet of the front door or posted in a display case mounted on the outside front wall of the food facility within five (5) feet of the front door;

2. ~~Posted in a display case mounted on the outside front wall of the establishment within five feet of the front door~~ Posted adjacent to the pass out window on a mobile food facility, or on the customer service side of an unenclosed mobile food facility; or

3. Posted in a location as directed and determined in the discretion of the county health officer to ensure proper notice to the general public and to patrons.

B. In the event that a food ~~establishment~~ facility is operated in the same building or space as a separately licensed or permitted business, or in the event that a food ~~establishment~~ facility shares a common patron entrance with such a separately licensed or permitted business, or in the event of both, the county health officer shall

post the letter grade card, or the inspection score card, ~~or both~~, in the initial patron contact area, or in a location as determined in the discretion of the county health officer.

C. The letter grade card and the inspection score card shall not be defaced, marred, reproduced, copied, camouflaged, hidden or removed. It is unlawful to operate a food ~~establishment~~ facility unless the letter grade card, or the inspection score card, ~~or both~~, as determined by the county health officer, is or are in place as set forth hereunder. Removal of the letter grade card, the inspection score card, or both, is a violation of this chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in Section 8.04.930.

D. Every food ~~establishment~~ facility shall post a legibly lettered sign which displays the following information so as to be clearly visible to the general public and to patrons entering the ~~establishment~~ facility:

Any public health concerns regarding this ~~establishment~~ facility should be directed to the County of Los Angeles, Environmental Health office located at:

_____ (local office address and telephone number to be provided by the county health officer).

E. The food official inspection report upon which the letter grade card, the inspection score card, or both, are based and all subsequent reports issued by the county health officer shall be maintained at the food ~~establishment~~ facility and shall be available to the general public and to patrons for review upon request. The food ~~establishment~~ facility shall keep the food official inspection report and all subsequent

reports until such time as the county health officer completes the next routine inspection of the ~~establishment~~ facility and issues a new food official inspection report.

SECTION 11. Section 8.04.755 is hereby amended to read as follows:

8.04.755 Letter grade card and inspection score card -- Period of validity.

A letter grade card, an inspection score card, or both, shall remain valid until the county health officer completes the next routine inspection of the food ~~establishment~~ facility.

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